

NATURAL RESOURCES

SB13/HB202 – Department of Natural Resources – Finfishing – Closure of State Waters

SB13/HB202 authorize DNR to completely close an area of State waters to all finfishing if, in a written report made available to the general public, it finds that the closure is necessary (after consideration of several items specified in the bill) and it develops protocols and a reporting timeline to monitor the closure. DNR also must hold at least one public hearing on the closure. After a closure, DNR must, in another written report and in accordance with the reporting timeline, evaluate the effectiveness of the closure and determine what, if any, management changes are appropriate.

SB429 – Recreational Vessels – Personal Floatation Devices for Children – Additional Requirements

SB429 modifies the definition of “child” to include an individual who weighs 50 pounds or less, regardless of age, including those individuals among those subject to the already existing personal floatation device (PFD) requirement. For children younger than the age of four, the bill authorizes additional PFD safety features through March 31, 2006; as of April 1, 2006, these additional safety features will be mandatory. Also, DNR is required to pursue outreach and public education efforts regarding boating safety for children and to report on these efforts and other pertinent data.

SB536/HB848 – Vessel Excise Tax – Exemption – Vessel Commissioning

These bills provide that time spent on commissioning procedures for new or used boats is not counted against the 90 days a vessel is allowed to be in the State before becoming subject to the vessel excise tax. The bill authorizes the Department of Natural Resources to adopt regulations to determine the state of principal use for the purpose of assessing the vessel excise tax. The bill also exempts from the vessel excise tax a transfer of a vessel to a licensed dealer for rental or leasing purposes, effective July 1, 2005.

SB642 – Natural Resources – Boating – Disclosure of Personal Information

SB642 authorizes DNR to disclose personal information regarding registered vessel owners to a financial institution, as defined under the Financial Institutions Article, but only to verify the accuracy of personal information submitted by the individual to that financial institution. If the information is not accurate, the financial institution may obtain correct information for the purpose of preventing fraud, pursuing legal remedies, or recovering on a debt or security interest.

SB671 – Dorchester County – Authorization to Harvest Seafood and Engage in the Seafood Industry

This bill authorizes the County Council of Dorchester County to adopt an ordinance, resolution, or regulation or take any other action that the council considers necessary to authorize a person to engage in specified activities related to the seafood industry and to harvest seafood. Before adopting such an ordinance, resolution, or regulation, the county council must first hold a public hearing and obtain the written consent of the Secretary of the Department of Natural Resources. In the event of conflict, federal or State law or written program guidance issued by a federal or State agency shall preempt any ordinance, resolution, or regulation adopted by the county council.

SB674/HB1214 – Natural Resources – Finfish – Bait

These bills exempt a person who catches and sells finfish as bait from obtaining a license from DNR. In general, a person may not buy, sell, ship, transport, or otherwise deal in finfish unless the person is licensed by DNR. Under current law, the following persons are exempt from these requirements: a person licensed by DNR to catch finfish for sale; a retail market, restaurant, or other establishment where finfish are sold or served to ultimate customers; and a person who buys finfish for personal use or consumption.

SB675 – Study of Nonnative Oyster Species – Findings of the National Academy of Sciences

Chapter 508 of 2002 requires DNR to authorize the study of the Suminoe oyster and other nonnative species, with the study proceeding in accordance with the findings of the NAS review of the Suminoe oyster. SB675 repeals the requirement that the study must proceed “in accordance” with the findings of the NAS review of the Suminoe oyster. Instead, the study must “be consistent” with the findings of the NAS review, thus giving researchers flexibility as scientific knowledge advances.

SB841 – Department of Natural Resources – Electronic System for Transactions

SB841 authorizes DNR to develop and implement an electronic system for the sale and issuance of licenses, permits, and registrations and the recording and releasing of security interests. The Department shall develop the electronic system consistent with the Statewide Information Technology Master Plan. DNR may adopt regulations to implement such a system and determine the appropriate fee levels that may be charged by a vendor and by DNR for the electronic transmission service.

HB129 – Natural Resources – Jennings Randolph Lake Project Compact – Criminal Law Enforcement

HB129 amends the Jennings Randolph Lake Project Compact by authorizing concurrent enforcement of all criminal laws in the project by DNR and the West Virginia Division of Natural Resources. Under the compact, Maryland and West Virginia are equally responsible for the establishment and enforcement of natural resources and boating laws applicable to the lake and its surrounding lands. Although each state has concurrent jurisdiction with the U.S. Army Corp of Engineers and the other state for the enforcement of the states’ civil and criminal laws, the states have not had concurrent jurisdiction to enforce criminal laws beyond offenses related to natural resources and boating. This bill does not take effect until West Virginia enacts a similar law.

HB308 – Natural Resources – Oysters – Dredge Devices

This bill temporarily repeals a prohibition on possessing or using a “devil catcher,” “devil diver,” or similar device on any oyster dredge boat. This repeal terminates in three years, on September 30, 2007. DNR is also required to report to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee by the termination date on the environmental impact of these devices.

HB1264 – Natural Resources – Tidal Fisheries – Nets

This bill repeals statutory prohibitions and requirements relating to the use of staked gill nets (stake nets) that are already prohibited under current regulations. The bill also prohibits a person from setting at any time a fyke net within 300 feet of a pound net.

HB1335 – Natural Resources – Hunting License Requirements – Exceptions

This bill provides an exemption for obtaining a hunting license to a nonresident owner of a parcel of farmland and the owner’s spouse, children, and children’s spouse of a parcel of farmland if certain criteria are met: 1) the parcel of farmland is located in Maryland and an adjacent state; 2) the owner’s primary residence is on the parcel of farmland; and 3) the adjacent state extends similar privileges to a resident of Maryland.